No. 10549 Equity.

(Exhibits Nos. 1-2 and 3 filed with Examiner as evidence and returned herewith to Your Honorable Court)

Mr. William Morrison, a witness of lawful ege, produced on the part of the Plaintiff, being first duly sworn, deposes and says;

My name is William Morrison, I am 70 years of age and I reside in Emmitaburg, Frederick County, Maryland. I know all the parties to this suit, except the Baltimore Commercial Bank, and I also know the real estate mentioned in these proceedings.

I knew Enoch L.Frizzell in his lifetime. He is dead, having died on or about May 11th, 1922, intestate. At the time of the death of the said Enoch L.Frizzell he was seized and possessed of two tracts or parcels of real estate, the first consisting of a house and lot in Emmitsburg and the other tract being mountain land, also situated, lying and being in Frederick County. I look at Exhibit No.1 and it is a certified copy of a deed for the house and lot properti in Emmitsburg and it correctly described said property. This property is worth in my judgment about \$4,00.00.I also look at Exhibit No.2 filed in this case. This deed correctly described the mountain land property so far as I can see. I have not been on it for some years and I would not feet in a position to give a valuation at this time. The said Enoch L.Frizzell was married, but his wife died about 12 years ago and he has never re-married. He left surviving him the following-named children. Emmett Frizzell, an adult son, whose wife's name is Gertrude Prizzell, both of whom reside in Pennsylvania.

An adult son William B.Frizzell, unmarried, also a resident of Pennsylvania.

A daughter Madeline, whose husband's name is Paul Powneey.

A daughter Josephine Frizzell, unmarried. All of whom are adults and all reside in Pennsylvania. A son Nimrod Frizzell, whose age is about 19 years unmarried. A son Lewis Frizzell, who is unmarried and whose age is about 16 years. A son Flautt Frizzell, unmarried, whose age is about 14 years. All of the above reside in Emmitaburg, Maryland.

At the time of the death of the said Enoch L.Frizzell, he was indebted unto Annan,
Horner & Co.by judgment which has been entered to the use of the Baltimore Commercial
Bank of Baltimore City, a body corporate, in the sum of \$2375.00, a certified copy of whioh is herewith filed with the Examiner, marked Exhibit No.3.

This property is not susceptible of division or partition among the parties entitled to the interests therein without loss and injury to the parties entitled to the interests therein, for the reason that the property in Emmitsburg consists of a residence, built on a small lot of ground, and it would be a physical impossibility to divided this property in kind. The same would also apply to the mountal lot consisting of about 30 acres, and it would not be feasible to sub-divide it into the number of lots that would be required to divide it equitably in kind.

To the General Interrogatory;

Nothing more.

William Morrison.

Mr.Millard F.Shuff, a witnes of lawful age, produced on the part of the Plaintiff, being first duly sworn, deposes and says;

My name is Millard F. Shuff, I am 63 years of age and reside in Emmitsburg, Maryland, I know all the parties to this suit, both the Plaintiffs and the Defendants, and I have heard the testimony by Mr. William Morrison, the witness preceding me, and he has stated their names ages and residences coorectly.

I know that Mr. Enoch L. Frizzell died intestate and that at the time of his death he was seized and possessed of a house and lot in the town of Emmitsburg. I look at